

1
2
3
4
5
6 **BEFORE THE**
7 **BOARD OF PHARMACY**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4266

11 **MAUREEN KESHNI PRASAD**

DEFAULT DECISION AND ORDER

12 **5280 Mack Road, #241**
13 **Sacramento, CA 95823**
14 **Pharmacy Technician Registration No. TCH**
15 **87120**

[Gov. Code, §11520]

16 Respondent.

17
18 **FINDINGS OF FACT**

19
20 1. On or about May 29, 2012, Complainant Virginia Herold, in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 4266 against Maureen Keshni Prasad (Respondent) before the Board of
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about November 14, 2008, the Board of Pharmacy (Board) issued Pharmacy
25 Technician Registration No. TCH 87120 to Respondent. The Pharmacy Technician Registration
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 4266
27 and will expire on May 31, 2012, unless renewed.
28

1 3. Business and Professions Code section 118 (b) provides:

2 (b) The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by
4 order of the board or by order of a court of law, or its surrender without the written
5 consent of the board, shall not, during any period in which it may be renewed,
6 restored, reissued, or reinstated, deprive the board of its authority to institute or
7 continue a disciplinary proceeding against the licensee upon any ground provided by
8 law or to enter an order suspending or revoking the license or otherwise taking
9 disciplinary action against the licensee on any such ground.

10 4. On or about June 11, 2012, Respondent was served by Certified and First Class Mail
11 copies of Accusation 4266, Statement to Respondent, Notice of Defense, Request for Discovery,
12 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
13 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
14 is required to be reported and maintained with the Board. Respondent's address of record was
15 and is:

16 5280 Mack Road, #241
17 Sacramento, CA 95823.

18 5. Service of the Accusation was effective as a matter of law under the provisions of
19 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
20 124.

21 6. On or about June 14, 2012, the green return receipt was initialed and returned. The
22 documents sent via regular mail were not returned.

23 7. Government Code section 11506 states, in pertinent part:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts
26 of the accusation not expressly admitted. Failure to file a notice of defense shall
27 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
28 may nevertheless grant a hearing.

 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4266.

 9. California Government Code section 11520 states, in pertinent part:

 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 4266, finds that the charges and allegations in Accusation No. 4266, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$637.00 as of July 25, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Maureen Keshni Prasad has subjected her Pharmacy Technician Registration No. TCH 87120 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action under section 4301 (a) and (f) in that on or about November 5, 2010 and December 15, 2010, while working as a cashier for Target located at 5001 Madison Avenue, Sacramento, California, Respondent removed cash from her register and placed it in her shoe. On December 15, 2010, in an interview with a store investigator, Respondent admitted that she took cash from registers over time which amounted to \$1,300.

//

//

//

//

//

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED ON September 14, 2012

By Stanley C. Weiss
STANLEY C. WEISSER
Board President

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 4266

13 **MAUREEN KESHNI PRASAD**
14 **5280 Mack Road, #241**
Sacramento, CA 95823
15 **Pharmacy Technician Registration No. TCH**
87120

A C C U S A T I O N

16 Respondent.
17

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about November 14, 2008, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 87120 to Maureen Keshni Prasad (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2012, unless renewed.

27 //

28 //

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

5. Section 4301 of the Code states in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(a) Gross immorality.

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(p) Actions or conduct that would have warranted denial of a license.

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 7. Section 118 of the Code states in pertinent part:

2 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
3 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
4 order of a court of law, or its surrender without the written consent of the board, shall not, during
5 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.

9 "(c) As used in this section, 'board' includes an individual who is authorized by any
10 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'
11 'registration,' and 'permit.'"

12
13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct/Dishonest Acts)

15 8. Respondent is subject to disciplinary action under section 4301 (a) and (f) in that on
16 or about November 5, 2010 and December 15, 2010, while working as a cashier for Target
17 located at 5001 Madison Avenue, Sacramento, California, Respondent removed cash from her
18 register and placed it in her shoe. On December 15, 2010, in an interview with a store
19 investigator, Respondent admitted that she took cash from registers over time which amounted to
20 \$1,300.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Pharmacy issue a decision:

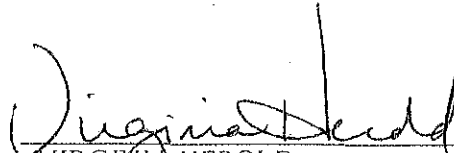
24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 87120,
25 issued to Maureen Keshni Prasad.;

26 2. Ordering Maureen Keshni Prasad to pay the Board of Pharmacy the reasonable costs
27 of the investigation and enforcement of this case, pursuant to Business and Professions Code
28 section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

5/29/12



VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

Complainant

SA2012104855

10872059.doc